

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 16 2019 ★

D. JOSEPH KURTZ, individually and on
behalf of all others similarly situated,

Plaintiff,

– against –

KIMBERLY-CLARK CORPORATION &
COSTCO WHOLESALE CORPORATION,

Defendants.

ORDER

BROOKLYN OFFICE

14-CV-1142

ANTHONY BELFIORE, individually and on
behalf of all others similarly situated,

Plaintiff,

– against –

THE PROCTER & GAMBLE COMPANY,

Defendant.

14-CV-4090

JACK B. WEINSTEIN, Senior United States District Judge:

In view of the remand from the Court of Appeals for the Second Circuit, this court has set a three-day hearing for presentation of evidence and argument. The hearing shall be held on July 16, 2019 at 10:30 a.m., July 17, 2019 at 11:15 a.m., and July 18, 2019 at 10:30 a.m. If more time is required, the parties may ask for it.

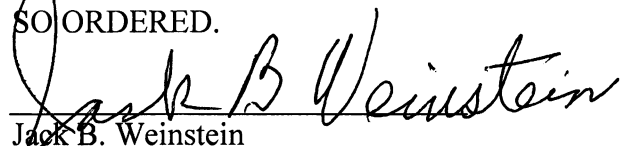
The Court of Appeals

note[d it's] specific concern with the Plaintiffs' proof that they can establish the injury and causation elements of their claims at trial with common evidence. . . . On remand, the district court should offer the parties the opportunity to submit additional evidence and should then assess whether the Plaintiffs have 'affirmatively demonstrated [their] compliance' with Rule 23(b)(3)'s predominance requirement. . . . After further review of the record,

the district court should choose whether to decertify the damages classes or maintain the current certification orders.

Summ. Order 4, No. 17-1856, No. 17-1861 (2nd Cir. May 14, 2019) (internal citation omitted).

SO ORDERED.



Jack B. Weinstein
Senior United States District Judge

Dated: May 15, 2019
Brooklyn, New York